

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:17-cv-00639-MOC-DCK

THIS MATTER is before the court on plaintiff's Motion to Reconsider (#4) his Application to Proceed Without Prepayment of Fees and Affidavit.

Plaintiff now states that despite listing “\$3150.00” in “unemployment payments” on his financial affidavit, he “has no income while continuing to look for suitable employment.” Reading the pleading in a light most favorable to the pro se party, it appears that what plaintiff intended to aver in his affidavit was that he received \$3150.00 in monthly income before he was terminated from employment, not that he now receives that amount in unemployment payments on a monthly basis. Taking that revised statement as true, it appears that plaintiff would have no stream of income or funds on hand with which to pay the filing fee or the costs associated with service of process. See <http://www.aspe.hhs.gov/poverty>.

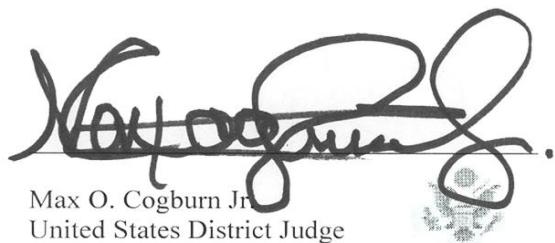
ORDER

IT IS, THEREFORE, ORDERED that plaintiff's Motion to Reconsider (#4) is **GRANTED**, and upon reconsideration, the Motion to Proceed In Forma Pauperis (#2) is **ALLOWED**, and the Complaint may be filed without prepayment of the filing fee or giving

security therefor.

IT IS FURTHER ORDERED that, in accordance with 28 U.S.C. § 1915(d), the Clerk of Court shall issue process and provide such process along with sufficient service copies of the Complaint, as well as copies of this Order, to the United States Marshal for service. The United States Marshal is instructed to serve a copy of the Complaint, Summons, and this Order upon the defendant in accordance with Rule 4(h), Federal Rules of Civil Procedure. All costs of service shall be at government expense.

Signed: November 3, 2017



The image shows a handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.". Below the signature, there is a small, faint circular stamp or seal.

Max O. Cogburn Jr.
United States District Judge